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DILLON & YUDELL LLP  
8911 N. CAPITAL OF TEXAS HWY.,  
SUITE 2110  
AUSTIN TX 78759

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**OFFICE OF PETITIONS**

In re Application of :  
Maddalozzo et al. : DECISION ON PETITION  
Application Number: 09/071189 : TO WITHDRAW HOLDING OF  
Filing Date: 05/01/1998 : ABANDONMENT  
Attorney Docket Number: :  
AUS919980024US1 :

This is a decision on the "REQUEST TO WITHDRAW HOLDING OF ABANDONMENT," filed on October 8, 2009, which is treated as a petition to withdraw the holding of abandonment in the above-identified application.

The application was held abandoned for failure to file a reply in response to the Office communication mailed on October 17, 2003, which stated that the Appeal Brief filed on July 31, 2003, was defective. A one (1) month period for reply was set. Notice of Abandonment was mailed on August 10, 2007.

Petitioner asserts that a proper response was in fact timely filed, on November 7, 2003, in the form of a substitute Appendix to the Appeal Brief.

A review of the record reveals that a Substitute Appendix filed on November 7, 2003, in response to the Office communication mailed on October 17, 2003, is located in the Office's Image File Wrapper system.

As such, the papers filed on November 7, 2003, constituted a timely response to the Notice mailed on October 17, 2003.

Therefore, the showing of record is that a response was timely filed, and there is no abandonment in fact.

The holding of abandonment is withdrawn, and the Notice of Abandonment is vacated.

The Office apologizes for any inconvenience to petitioner.

Application No. 09/071189

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The application is referred to Technology Center Art Unit 2629 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

A handwritten signature in black ink, appearing to read "D Wood".

Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions